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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/068,313  | 02/06/2002  | Robert L. Miller II  | 01-2122.02          | 8860             |
| 24504   | 7590        | 03/11/2005           | EXAMINER            |                  |
| THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP<br>100 GALLERIA PARKWAY, NW<br>STE 1750<br>ATLANTA, GA 30339-5948 |             |                      | DELGADO, MICHAEL A  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2144                |                  |

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                   |                               |  |
|------------------------------|-----------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/068,313     | Applicant(s)<br>MILLER ET AL. |  |
|                              | Examiner<br>Michael S. A. Delgado | Art Unit<br>2144              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2002.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/6/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Application Publication No. 2003/0208572 by Shah et al.

In claim 1, Shah teaches about a communication system, comprising (Fig 4):

a plurality of clients (CA1 120, CA4 160) (Paragraph 34, lines 10-15);

a plurality of network elements (S1 410, S2 420, S3 430) (Paragraph 34, lines 10-15); and

an element management system (EMS) “Subnet Manager SM 450A combined with Subnet Administrator SA 450B” interfaced with the clients and the network elements, the EMS configured to track which of the network elements are of interest to the clients, the EMS further configured to automatically monitor the network elements based on which of the network elements are determined, by the EMS, to be of interest to the clients, the EMS further configured to provide the clients with information indicative of the monitored elements (Paragraph 33, lines 1-6) (Paragraph 44, lines 1-12).

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In claim 2, Shah teaches about a communication system of claim 1, wherein the EMS is configured to detect a change in a state of one of the monitored elements and to provide one of the clients with information indicative of the state in response to the detected change (Paragraph 44, lines 1-12).

In claim 3, Shah teaches about a communication system of claim 1, wherein the EMS is configured to detect a change in a state of one of the monitored elements, and wherein the EMS is further configured to identify which of the clients are interested in the one monitored element and to provide each of the identified clients with information indicative of the state in response to the detected change (Paragraph 44, lines 1-12) (Paragraph 46, lines 1-5).

In claim 4, Shah teaches about a system of claim 1, wherein the EMS is configured to identify which of the clients are interested in one of the network elements and to provide each of the identified clients with information indicative of a state of the one network element (Paragraph 44, lines 1-12).

In claim 5, Shah teaches about a system of claim 4, wherein the EMS is configured to transmit the information indicative of the state of the one network to each of the identified clients in response to a determination, by the EMS, that the state has changed (Paragraph 44, lines 1-12).

In claim 6, Shah teaches about a system of claim 1, wherein the EMS is configured to store graphical user interface (GUI) code defining a GUI associated with one of the network elements, the EMS configured to retrieve the GUI code in response to a request received from

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one of the clients and to transmit the retrieved GUI code to the one client, wherein the request identifies the one network element (Paragraph 49, lines 5-15).

In claim 7, Shah teaches about a system of claim 6, wherein the EMS is configured to enable a user to update the stored GUI code, and wherein the EMS is further configured to detect an update to the stored GUI code and to transmit the updated GUI code to the one client in response to a detection of the update (Paragraph 49, lines 1-15).

In claim 8, Shah teaches about a system of claim 6, wherein the EMS is configured to maintain data indicative of which of the clients are interested in which of the networks, the EMS configured to update the data in response to the request (Paragraph 44, lines 1-12) (Paragraph 49, lines 1-15).

In claim 9, Shah teaches about a system of claim 8, wherein the one client is configured to display a GUI based on the GUI code transmitted to the one client, the one client further configured to close the GUI in response to a user input and to transmit a message to the EMS upon closing the GUI, wherein the EMS is configured to update the data in response to the message (Paragraph 49, lines 1-15). A GUI running on top of TCP/IP (connection oriented) requires the establishment of a session when in operation. By closing the GUI, the session is terminated according to the protocol of TCP/IP, which is communicated to the destination (EMS) while in the process of closing the session.

In claim 10, Shah teaches about a system of claim 9, wherein the one client is configured to discard the GUI code transmitted to the one client upon closing the GUI (Paragraph 49, lines 1-15). Without a TCP/IP session all intended data transfer is discarded.

In claim 11, Shah teaches about an element management system (EMS) for managing elements of a communication network, comprising (Paragraph 33, lines 1-6) (Fig 4);

means for tracking which of the network elements are of interest to a plurality of clients (Paragraph 44, lines 1-12);

means for automatically monitoring the network elements of interest to the clients based on the tracking means (Paragraph 44, lines 1-12); and

means for providing the clients with information indicative of the monitored elements (Paragraph 44, lines 1-12).

In claim 12, Shah teaches about a system of claim 11, wherein the monitoring means is configured to detect a change in a state of one of the monitored elements, and wherein the means for providing is configured to transmit the information to one of the clients in response to a detection of the change by the monitoring means (Paragraph 44, lines 1-12).

In claim 13, Shah teaches about a system of claim 11, wherein the monitoring means is configured to detect a change in a state of one of the monitored elements, and wherein the means for providing is configured to identify which of the clients are interested in the one monitored element and to transmit information indicative of the state to each of the identified clients in

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response to a detection of the change by the monitoring means (Paragraph 44, lines 1-12) (Paragraph 46, lines 1-5).

In claim 14, Shah teaches about a system of claim 11, wherein the tracking means is configured to identify which of the clients are interested in one of the network elements, and wherein the providing means provides the information based on the tracking means (Paragraph 44, lines 1-12) (Paragraph 46, lines 1-5).

In claim 15, Shah teaches about a system of claim 11, further comprising:

means for storing graphical user interface (GUI) code defining a GUI associated with one of the network elements (Paragraph 49, lines 1-15);

means for retrieving the GUI code in response to a request received from one of the clients (Paragraph 49, lines 1-15); and

means for transmitting the retrieved GUI code to the one client, wherein the request identifies the one client (Paragraph 49, lines 1-15) (Paragraph 50, lines 1-5).

In claim 16, Shah teaches about a system of claim 15, further comprising:

means for updating the stored GUI code (Paragraph 49, lines 1-15); and

means for detecting an update to the stored GUI code by the updating means, wherein the transmitting means is configured to transmit the updated code to the one client in response to the detected update (Paragraph 49, lines 1-15).

In claim 17, Shah teaches about a method for managing elements of a communication network, comprising the steps of:

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tracking which of the network elements are of interest to a plurality of clients (Paragraph 44, lines 1-12);

automatically monitoring the network elements based on the tracking step (Paragraph 44, lines 1-12); and

providing the clients with information indicative of the monitored elements (Paragraph 44, lines 1-12).

In claim 18, Shah teaches about a method of claim 17, further comprising the steps of:  
detecting a change in a state of one of the monitored elements based on the monitoring step, wherein the providing step includes the step of providing one of the clients with information indicative of the state in response to the detecting step (Paragraph 44, lines 1-12).

In claim 19, Shah teaches about a method of claim 17, further comprising the steps of:  
detecting a change in a state of one of the monitored elements (Paragraph 44, lines 1-12)  
(Paragraph 58, lines 10-25); and

identifying which of the clients are interested in the one monitored element based on the tracking step, wherein the providing step includes the step of providing each of the identified clients with information indicative of the state in response to the detecting step (Paragraph 44, lines 1-12) (Paragraph 58, lines 10-25).

In claim 20, Shah teaches about a method of claim 17, further comprising the step of:  
identifying which of the clients are interested in one of the network elements



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based on the tracking step, wherein the providing step includes the step of transmitting, to each of the identified clients, information indicative of a state of the one network element based on the identifying step (Paragraph 44, lines 1-12) (Paragraph 58, lines 10-25).

In claim 21, Shah teaches about a method of claim 20, further comprising the step of: detecting a change in a state of the one monitored element, wherein the transmitting step is performed in response to the detecting step (Paragraph 58, lines 10-25).

In claim 22, Shah teaches about a method of claim 17, further comprising the steps of storing graphical user interface (GUI) code remotely from the clients, the GUI code defining a GUI associated with one of the network elements (Paragraph 49, lines 1-15);

retrieving the GUI code in response to a request received from one of the clients (Paragraph 49, lines 1-15); and

transmitting the retrieved GUI code to the one client, wherein the request identifies the one network element (Paragraph 49, lines 1-15) (Paragraph 50, lines 1-5).

In claim 23, Shah teaches about a method of claim 22, further comprising the steps of: enabling a user to update the stored GUI code (Paragraph 49, lines 1-15); detecting an update to the stored GUI code (Paragraph 49, lines 1-15); and transmitting the updated GUI code to the one client in response to the detecting step (Paragraph 49, lines 1-15).

In claim 24, Shah teaches about a method of claim 22, further comprising the steps of maintaining data indicative of which of the clients are interested in which of the network elements (Paragraph 44, lines 1-12); and

updating the data in response to the request (Paragraph 44, lines 1-12).

In claim 25, Shah teaches about a method of claim 24, further comprising the steps of : displaying a GUI at the one client based on the GUI code transmitted in the transmitting step (Paragraph 49, lines 1-15);

receiving a user input (Paragraph 49, lines 1-15);

closing the displayed GUI in response to the user input (Paragraph 49, lines 1-15); and

updating the data in response to the closing step (Paragraph 49, lines 1-15). A GUI running on top of TCP/IP (connection oriented) requires the establishment of a session when in operation. By closing the GUI, the session is terminated according to the protocol of TCP/IP, which is communicated to the destination (EMS) while in the process of closing the session.

In claim 26, Shah teaches about a method of claim 25, further comprising the step of: discarding, in response to the closing step, the GUI code transmitted to the one client (Paragraph 49, lines 1-15). Without a TCP/IP session all intended data transfer is discarded.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0194320 by Collins et al, teaches about a remote support system.

US 2003/0101251 by Low, teaches about a Customizable element management system and method using element modeling and protocol adapters.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (571) 272-3925

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MD

WILLIAM A. CUCHLINSKI, JR.  
PATENT EXAMINER  
TECHNOLOGY CENTER 3600

  
WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600